

CHAPTER OVERVIEW

This chapter describes additional procedures to use when there is an out-of-home placement of Native American (Indian) or refugee children.

- 19.1 Indian Child Welfare Act of 1978 (P. L. 95-608) – (ICWA)
 - 19.1.1 Specific Requirements of the ICWA
 - 19.1.2 Native American Definitions
- 19.2 Native American Child Services
- 19.3 Determining Child's Indian Status
 - 19.3.1 Out-Of-Home Care Placement Mandates
- 19.4 Procedures for Refugee and Cuban/Haitian Unaccompanied Minor Placement Program
 - 19.4.1 Program Requirements and Procedures

19.1 Indian Child Welfare Act of 1978 (P.L. 95-608) – (ICWA)

U.S. Congressional passage of the Indian Child Welfare Act (ICWA) of 1978 (P.L. 95-608) sets out requirements for legal control of state courts and agencies serving children when intervention for the purpose of altering the custodian of an Indian/Native American child is at issue. These requirements are designed to fulfill the following United States policy:

".....to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs."

The thrust of the Act causes courts and agencies anywhere in the United States to recognize Indian membership and heritage in two ways: Native American tribes, wherever possible, will have jurisdiction over child custody proceedings; and, legal safeguards are established when child custody proceedings remain with the Missouri juvenile court.

This Act outlines requirements and procedures to be followed when serving Indian children. It includes the following: protective custody, out-of-home care placements, pre-adoptive and adoptive placements, voluntary relinquishments, actions to terminate parental rights, and those related to status offenses. It does not include services extended in the conduct of a child abuse and neglect investigation, the dissolution of marriage, or the provision of any protective child welfare services when there have been no custody proceedings, (i.e., Family-Centered Services, Intensive In-home Services).

When providing services, close cooperation is necessary with the state or tribal court assuming or having jurisdiction over an Indian child.

The Act places primary responsibility for administration with the tribal courts. Secondary responsibility lies with state courts when the tribal court does not take jurisdiction. (State courts must show "good cause" when retaining jurisdiction over an Indian child.) Social agencies must follow all requirements of the Act in delivering services to the child and the family and keep the state or tribal court informed.

Where Indian child welfare services are available, either through the tribe or an Indian center, Division staff is responsible for cooperating and coordinating all out-of-home care services with these social service resources. On many occasions, services will be provided jointly and must be responsive to the child and family's Indian heritage and culture. On other occasions, the Indian social services may provide all the services needed by the child and family. Failure to follow any of the requirements of the Act by either the court or the social agency can result in adverse legal action as well as a lack of support for the child's Native American/Indian heritage and tribal membership.

19.1.1 Specific Requirements of the ICWA

1. The Division must use its federal financial resources when providing any treatment or out-of-home care resources regardless of tribal or juvenile court jurisdiction or a child's cultural/ethnic/genetic heritage.

Native American/Indian children and families are eligible for all Division services if they meet the program eligibility requirements. To use alternative care funds including Title IV-E, the child must be in Division custody which is one of this program's eligibility requirements. Tribal courts must place the child in Children's Division (CD) custody for the child to receive CD alternative care payments including Title IV-E.

2. In any juvenile court proceedings, the Native American/Indian custodian or tribe of the child has the right to intervene at any point.
3. All parties to the proceeding have the right to examine all the reports, testimony, witnesses and exhibits upon which the court's decision may be based.
4. No hearing may be held until at least ten (10) days after receipt of the notice by the parent or Indian custodian and the tribe or the Secretary of the Interior. The Secretary of the Interior has delegated authority to

receive notice to the appropriate Bureau of Indian Affairs (BIA) Office. For Missouri, this office is:

Indian Child Welfare Services
Bureau of Indian Affairs
Muskogee Area Office
P.O. Box 8002
Muskogee, OK 74402
Phone: 918-781-4613

NOTE: The juvenile court under chapter 211, RSMo, may take protective custody of an Indian child and order that child into Division custody for out-of-home care placement to assure the child's safety and protection. Once the child's Indian status and/or tribal membership is identified, the juvenile court must provide appropriate notice to the parent or Indian custodian and the tribe or Secretary of the Interior (via the BIA area office). Juvenile courts should have access to Vol 44, FR (Federal Register) (Monday, November 26, 1979) pp. 67584 - 67595, Guidelines for State Courts: Indian Child Custody Proceedings, Bureau of Indian Affairs, Department of Interior. Juvenile courts will also have access to 25 CFR Part 22, Indian Child Welfare Act which includes regulations relating to relationships between state courts and Indian tribes and their courts. Staff may refer courts to these documents for recommendations in handling Indian child custody proceedings.

5. Upon request, the parent or custodian shall be granted up to an additional 20 days to prepare for the proceeding.
6. The Native American/Indian parent has the right to appointed counsel if indigent.
7. In appointing counsel for the child, the court may exercise its discretionary power using the standard of "best interest of the child."
8. No termination of parental rights finding can be ordered unless it is supported by evidence beyond a reasonable doubt. This is a higher standard than that required by Missouri law.
9. An expert witness in Indian matters for child custody proceedings (hearings) is qualified if either of the following criteria is met:
 - a) A member of the child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices.

- b) A lay expert witness having substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe.
10. Any party seeking a termination of parental rights decision must satisfy the state court that active efforts have been made to provide remedial services and rehabilitative services designed to prevent breakup of the family and that these efforts have proved unsuccessful.
11. Records must be maintained for every placement and are to be available upon request to the Secretary of the Interior via the BIA Area Office or the Indian child's tribe.
12. Records must include the following:
- a) The name and tribal affiliation of the child;
 - b) The names and addresses of the biological parents;
 - c) The identity of any agency having files or information relating to an adoptive placement or foster care placement;
 - d) Evidence of efforts to comply with placement preference order and services provided;
 - e) The names and addresses of the adoptive parents, if applicable; and
 - f) In adoptive placements, an affidavit certifying the biological parents' desire to have their identity remain confidential must be contained in the court file when their child has been adopted.
13. Records are not subject to the Freedom of Information Act and the Secretary of the Interior is responsible for maintaining confidentiality.

NOTE: Information that a family shares with a Division staff member may be shared with an identified Indian center worker. It is not necessary that the family sign a release of information for Children's Division to release information. Just as the Secretary of Interior is responsible for maintaining confidentiality, so are the Indian centers as Title II ICWA grantees.

14. When emergency placements are made, any responsible agency or court must insure that action to respect the Indian child's rights are

taken expeditiously with consideration of the facts of the child's circumstances.

15. When replacements of an Indian child are necessary, the placement guidelines must be followed.
16. Licensing of foster families and institutions is the responsibility of the state unless such facilities are part of an Indian social services program operated by a tribe or organizations which have the assistance of Title II federal funding for the purpose of providing child welfare services to Indian children.

NOTE: The state may enter into agreement with Indian tribes or organizations which have the assistance of federal child welfare service funding for the development of Indian foster placement resources and to meet the other provisions of ICWA. These Indian foster placement resources may be used by the Division for Indian children by contacting the Indian centers.

17. In adoption, for a voluntary consent to be valid it must be:
 - a) Made in writing;
 - b) Executed and recorded before the circuit judge in a formal court proceeding;
 - c) Accompanied by a certification completed by the judge which verifies that the terms and consequences of the consent were fully explained in detail and understood by the Indian parent or custodian;
 - d) Accompanied by a certification completed by the judge that the proceedings were interpreted into a language understood by the parent or custodian, if either does not understand English; and
 - e) Completed ten (10) days after the birth of a child in the case of an infant.

NOTE: This contrasts with the 48 hours required by subsection 453.050, RSMo, for parents to sign consent to adoption and supercedes Missouri law.

18. The federal statute states that a putative father of a child who is voluntarily relinquished by the mother for adoptive placement must acknowledge paternity or his paternity must be established if his rights

are to be respected in the custody proceedings. Changes in case law since 1978 regarding putative father rights may effect this ICWA requirement. For further information, contact the Division of Legal Services.

19. At age 18, upon application, the Indian child who was the subject of an adoption shall be informed by the court which granted the final decree of the following:
- a. The child's tribal affiliation, if any;
 - b. The biological parents; and
 - c. Any other information necessary to protect any rights flowing from the individual's tribal membership.

NOTE: This is in contrast to Missouri's law which requires the child be 21 before requesting any identifying information. ICWA would supercede Missouri law.

20. The right to background information and tribal privilege information applies irrespective of the time an adoption decree was granted.
21. Upon request, the Secretary must disclose any information necessary for the enrollment of an Indian child in a tribe.
22. The Bureau of Indian Affairs will conduct a confidential check to learn if the child meets the requirements for membership in an Indian tribe and will certify that fact to the juvenile court. This will avoid breaching the confidentiality of the court's adoptive record.

NOTE: This can be done via the Indian centers by asking for their help.

23. Withdrawal of consent for adoptive placement by a parent must follow these guidelines:
- a) May occur anytime prior to the entry of a final decree of adoption and the child returned to the parent.
 - b) After the final decree has been entered, a withdrawal of consent may occur only if it is proved the consent was obtained through fraud or given under duress. In this instance the parent or custodian must petition the court to vacate the consent. If one of the grounds is proved, the court must vacate the consent.

NOTE: Withdrawal of consent may also occur if procedural requirements of the Act are not followed.

24. A birth parent may select not to voluntarily relinquish a child within the preference order requirements of the Act. However, procedures in the Act governing such a relinquishment must be followed as outlined in #18.

NOTE: Under Title II of the ICWA, the U. S. Bureau of Indian Affairs (BIA) funds can be made available for organized Indian child welfare services. Currently there are three such ICWA programs funded by BIA as Title II grantees to administer and assist with compliance of the ICWA.

Kansas City: Heart of America Indian Center
600 W. 39th Street
Kansas City, MO 64111
Phone: 816-421-7608
Fax: 816-421-6493

Springfield: Southwest Missouri Indian Center
543 South Scenic
Springfield, MO 65802
Phone: 417-869-9550
Fax: 417-869-0922

These Indian centers provide social and child welfare services to Indian children and families within the catchment areas. In addition, they will provide assistance in determining any family or child's Indian tribal membership. Some of the centers also have Indian families licensed to provide out-of-home care services. For counties not included in the catchment areas, contact with the nearest Indian center could indicate what kind of help they can provide in determining Indian status or the possibility of protective or out-of-home care services.

If needed, the supervising BIA area office can provide assistance in matters relating to compliance with ICWA. For Missouri, this office is:

Indian Child Welfare Services
Bureau of Indian Affairs
Muskogee Area Office
P.O. Box 8002

Muskogee, OK 74402
Phone: 918-781-4613

19.1.2 Native American Definitions

These are included here because they are very specific to the ICWA.

Child Custody Proceeding: Means and includes foster care placement; i.e., any action removing an Indian child from his/her parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated.

Termination of Parental Rights: Any action resulting in the termination of the parent-child relationship.

Pre-adoptive Placement: The temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement.

Adoptive Placement: The permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.

Indian: Any person who is a member of an Indian tribe, or who is an Alaskan Native and a member of the Regional Corporation as defined in Section 7 of the Alaska Native Claims Settlement Act.

NOTE: This definition of an Indian voids any previous definition used prior to the enactment of the Act. Also, if child is not enrolled and cannot be enrolled, the child is not an Indian.

Indian Child: Any unmarried person under age 18 who is either:

- a) A member of an Indian tribe, or
- b) Is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

Indian Child's Tribe:

- a) The Indian tribe in which the child is a member or eligible for membership.

- b) The tribal membership will be designated to that with which the child has the more significant contacts when the child's membership or eligibility for membership is with more than one tribe.

Indian Custodian: Any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of such child.

Indian Extended Family Member: Is defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, to be a person who has reached the age of 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.

Indian Organization: Any group, association, partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians.

Indian Parent: Any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoption under tribal law or custom.

NOTE: This meaning does not include the unwed father where paternity has not been acknowledged or established.

Indian Tribal Court: A court with jurisdiction over child custody proceedings and which is either a court of Indian offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings.

Indian Tribe: Any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including an Alaska Native village.

19.2 Native American Child Services

1. Review description of ICWA if Indian status has been indicated in any way.
2. Determine child's Indian status, if juvenile office does not, through use of resources and guidelines identified in 19.3 of this chapter.

NOTE: This is a critical step so that services and rights awarded to Indian children via the ICWA can be provided. Indian heritage and membership is frequently not apparent, so the child and the family should be engaged in

careful questioning and discussion about the possibility of tribal membership through ancestral heritage.

3. Coordinate services with nearest available Indian social services ICWA program. There are three (3) in Missouri:

Heart of America Indian Center
600 W. 39th Street
Kansas City, MO 64111
Phone: 816-421-7608
Fax: 816-421-6493

Southwest Missouri Indian Center
543 South Scenic
Springfield, MO 65802
Phone: 417-869-9550
Fax: 417-869-0922

- a) If Indian centers are unable to provide services and child is clearly of Indian heritage, provide child welfare services with respect for Indian heritage and cultural beliefs and use of the ICWA requirements.
 - b) Assist foster family or other care facility to provide services recognizing child's Indian heritage and cultural beliefs.
4. Apply any ICWA requirements when providing services with the assistance of ICWA specialist, if available.
 5. Notify juvenile court of Indian status information in writing. A request must be made to the court for permission to release confidential information including copies of court orders if Indian tribal membership is established.

NOTE: As a Title II grantee, Indian centers are under obligation to protect confidential information about the child and his/her family.

6. When the juvenile court transfers jurisdiction of a child to the tribal court, cooperate with the tribal court by providing information, services and recommendations.

NOTE: Tribal courts have parity with juvenile/state courts when they have assumed jurisdiction of a child.

7. Apply legally mandated placement selection guidelines if placement is ordered by tribal or juvenile court.

- a) Use Indian centers to determine if an Indian foster family or other Indian care facilities are available, as needed.
 - b) Use ACTS search to identify foster families accepting Indian children or other care facilities, if Indian centers are unable to provide out-of-home care services.
 - c) See Section 4.19.3.1.C for processing a voluntary relinquishment for adoption by an Indian parent.
8. Apply appropriate procedures in delivering out-of-home care services. This includes, but is not limited to:
- a) Providing information to appropriate Indian center staff.
 - CA/N complaint (with reporter's name deleted) and social history of child and family including any forms on which such data is recorded;
 - Medical history including any forms on which such data is recorded;
 - Psychiatric, psychological, etc., evaluation reports; and/or
 - School reports, etc.
 - b) Including representative of Indian center in notification of FST meetings and court hearings.
9. Respond promptly to any orders of the juvenile court as it complies with the requirements of the ACT.
10. Record all activities every 30 days using guidelines for type of service activity.

NOTE: WITH SOME EXCEPTIONS, TRIBAL COURT AUTHORITY TRANSCENDS JUVENILE COURT AUTHORITY, IF THE TRIBAL COURT ELECTS TO EXERCISE ITS RIGHTS AS AUTHORIZED IN THE ICWA. REFER CASE SITUATIONS TO DIVISION OF LEGAL SERVICES (DLS) IF ASSISTANCE OR CLARIFICATION IS NEEDED.

19.3 Determining Child's Indian Status

NOTE: Criteria such as a blood quantum (i.e., $\frac{1}{2}$ or $\frac{1}{4}$ Indian) frequently do not apply, although questioning in this area can lead to tribal identification and determination. Criteria for tribal membership/enrollment is determined by the specific tribe.

Determination should occur as quickly as possible in order to assure that rights and privileges of the ICWA are properly afforded to the child and the family. The juvenile office should take the responsibility for this determination. However, if the juvenile office does not assume this responsibility and the child and the family are receiving services from the Division, the worker should assume this responsibility.

The following guidelines will help in the important step of determining a child's Indian status:

1. Do you, your parents or your grandparents have any Indian blood? If so, do you know what tribe they may be related to? Do you know which state your Indian kin lived in?
2. Has anyone provided information that the child's or family's usual residence is on a reservation or in a predominantly Indian community?
3. Has a tribe or the Bureau of Indian Affairs indicated the child is a member or eligible for membership in a tribe?
4. Has anyone provided information that any child member of the family is under the jurisdiction of a tribal court?
5. An Indian child's status can be confirmed through any or all of the following activities:
 - a) Securing information from extended family members, when possible, that expands information given by child or parent;
 - b) Examining and copying, with permission, any documents the parent or child may have that provide proof of Indian status;
 - c) Correspondence with Bureau of Indian Affairs, identified tribe, Indian Service Agency, etc., which includes all identifying information of a child and his parents, possible tribal relationship and any other pertinent information. If a tribe is known, the address can be obtained from the Bureau of Indian Affairs area office. Also, an Indian center agency may have addresses for an Indian tribe;
 - d) Indian Centers serving Missouri are:

Heart of America Indian Center
600 W. 39th Street
Kansas City, MO 64111
Phone: 816-421-7608
Fax: 816-421-6493

Southwest Missouri Indian Center
543 South Scenic
Springfield, MO 65802
Phone: 417-869-9550
Fax: 417-869-0922

BIA Area Office:
Indian Child Welfare Services
Bureau of Indian Affairs
Muskogee Area Office
P.O. Box 8002
Muskogee, OK 74402
Phone: 918-781-4613

19.3.1 OUT-OF-HOME CARE PLACEMENT MANDATES

A. Foster Care and Pre-Adoptive Placement:

1. Criteria: This criteria is used when placing an Indian child in any type of out-of-home care.
 - a) Least restrictive setting which approximates a family and is appropriate to child's needs, and
 - b) Is within reasonable proximity to child's home while accommodating the child's needs.
2. Preference order:
 - a) A member of the Indian child's family which includes extended family.
 - b) A foster home licensed, approved or specified by the Indian child's tribe or their designee which may be the nearest Indian social services program.
 - c) An Indian foster home licensed or approved by a non-Indian licensing authority.
 - d) An institution for children approved by the Indian tribe or operated by an Indian organization which has a program suitable to meet the child's needs.

<p>NOTE: Prior to considering an institution, a non-Indian licensed foster family may be deemed as suitable for the child's care, if appropriate,</p>
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in meeting the child's needs (i.e., traditional foster family, behavioral foster family, or career foster family, etc.) This may be changed for "good cause" by the tribal court or the juvenile court.

B. Adoptive Placement Preference Order:

1. A member of the child's extended family unless the parent has requested anonymity be retained in any current or future placement.
2. Another member of the Indian child's tribe.
3. Other Indian families.

This order may be changed for "good cause" by the tribal court or the juvenile court.

C. Voluntarily releasing a child for adoption is as follows:

1. A birth parent registered on an Indian Tribal Role does have the right to place the child outside the preference order stipulated in the Act. However, certain procedures prescribed in the Act must be followed to the letter. These are:
 - a) The biological parent cannot sign voluntary relinquishments until the infant is at least ten (10) days old.
 - b) The relinquishment must be signed in a court proceeding. Having the forms witnessed by a judge outside of a formal proceeding is not satisfactory in meeting the requirements of the Act.
 - c) The relinquishing parent must sign an affidavit that he/she is aware of the Act and such affidavit must be made part of and recorded in the court's official record.
 - d) A certified copy of the court record must be sent to the Bureau of Indian Affairs.
2. Assisting the prospective adoptive family in such a placement plan.
 - a) They should be informed about the legal requirements, particularly the application of the procedures even though the birth parent is choosing to go outside the preference order of the Act.
 - b) They should be informed that the birth parent can revoke the voluntary relinquishment of paternal rights any time up to finalization of the adoption and that if the procedures are not followed and the

adoption is granted it is not valid and is subject to the parent demanding the child be returned at any time.

3. Worker's role with the court.

- a) The worker must follow the above requirements as they apply and facilitate the court's legal proceeding. Question should be raised with the juvenile court to obtain adequate instruction when handling a voluntary relinquishment and participating in the subsequent court proceedings if procedures are not clear.

19.4 Procedures for Refugee and Cuban/Haitian Unaccompanied Minor Placement Program

1. Receive referral from refugee designee/case manager program coordinator (RPC) in Central Office Family Support Division. The referral includes all information known about the child.
2. Determine whether the juvenile court will take jurisdiction of the child and whether an appropriate alternate care facility (foster/kinship family) only is potentially available for the child.

NOTE: No service can be provided if both of the above conditions are not met.

3. Report determination to RPC with the following information.
 - a) Date of placement or decision rejecting placement for the minor.
 - b) Date of jurisdiction hearing.
 - c) Name and address of placement.
4. Plan for service delivery.

Related Subject: Section 3: Delivery of Services/Intact Families.

These children are not eligible for adoption services.

5. Complete family assessment and submit two (2) copies to RPC.

Related Subject: Chapter 7, of this section, Begin Work With the Family/Child(ren).

NOTE: These families are to be licensed only for care of the specific unaccompanied minor.

6. Deliver needed services.
7. Comply with all ICPC requirements.

Related Subject: Chapter 25, of this section, Interstate Placements.

NOTE: Close adherence to ICPC requirements is vital as federal regulations require proof in order for the state to have program costs reimbursed.

8. Arrange for meeting cost of care using applicable funds.

Related Subject: Chapter 11, of this section, Financial Support Planning.

- a) Contact RPC for unusual circumstances.
9. Every six (6) months after placement, report progress to RPC (four (4) copies are needed) and to juvenile court having jurisdiction.
10. Terminate services if any of the following should occur:
 - a) Child leaves the state.
 - b) Child reaches majority age.
 - c) Child is reunited with an adult kinship and further services are not needed or the family is not geographically available.
11. Report status immediately to RPC using form ORR-2.
12. Record all services every 30 days.

19.4.1 Program Requirements and Procedures

A. Eligibility

1. Cuban/Haitian Entrant Unaccompanied Minors
 - a) Has not attained age 17;
 - b) Entered the United States without a parent or immediate adult kin (i.e., grandparent, aunt, uncle or adult sibling), or any adult who arrived having documentable evidence of custody of the minor;

- c) Has no parents in the United States; and
- d) Has been given the alien status of "Cuban/Haitian Entrant" by the Bureau of Immigration and Naturalization (INS).

2. Refugee Unaccompanied Minors

- a) Has not attained the age of 18;
- b) Has no known immediate adult kin in the United States;
- c) Has been lawfully admitted to the United States in parole status; and
- d) Meets the general definition of alien status of INS.

B. Family assessment concerns specific to Unaccompanied Minor and Cuban/Haitian Entrant Placement Services:

- 1. How will the family handle the language barrier and what resources are available to assist in teaching English to the child.
- 2. What are the family's attitudes toward racial and ethnic differences (including food preferences).
- 3. What resources within the family and community are available to assist with the possible severe physical and emotional problems of the child (i.e., strange and unknown diseases).
- 4. What are the local community's attitudes toward racial, ethnic and religious differences and how will the family deal with community rejection if it occurs.
- 5. What community resources exist for appropriate education and job training, if applicable.
- 6. What Asian or Cuban/Haitian family support groups exist or could be developed in the community.
- 7. What is the family's attitude toward the national priority and effort to reunite refugee children with the natural family when possible.

C. Services

- 1. Provision of legal responsibility.

2. Development and execution of a written service plan.
3. Meeting the cost of care.
4. Provision of a periodic case review (otherwise known as administrative review).
5. Provision of progress reports to the U.S. Office of Refugee Resettlement (ORR) through the refugee program coordinator (RPC) in central office regarding the child's status and services delivered.
6. Provision of financial assistance, medical care and support services.
7. Vocational and occupational training.
8. Cultural orientation, as necessary and appropriate.
9. English as a second language.

NOTE: Items 7, 8, and 9 must be authorized by ORR in order for the state to receive financial reimbursement.

D. Meeting the cost of alternate care and other services:

1. The federal government will reimburse the state for 100 percent of the costs associated with providing services to children under this program, including foster care maintenance payments, medical assistance, social services, and for administrative costs associated with these activities. This reimbursement under the Refugee Assistance Program (RAP) is separate and distinct from the state's normal allocation of federal funds.
2. For Cuban/Haitian Entrants in this program reimbursement can be provided on behalf of an unaccompanied minor until one (1) month after the minor attains 21 years of age, or if the court terminates jurisdiction at an earlier time, one (1) month past the date the court terminates jurisdiction.

E. Special Requirements

1. Since all child placements through this program are received by the ICPC coordinator, the following groups define the sending state.
 - a) Cuban/Haitian Entrants - U.S. Office of Refugee Resettlement (ORR).

- b) Refugee Unaccompanied Minors - private, voluntary resettlement agencies serving in the U.S. and foreign countries.

2. Out-of-State Unaccompanied Minors

- a) If a minor is in CD custody and becomes a runaway, contact RPC immediately. The RPC will work with the ICPC Coordinator in making appropriate arrangements for the child to remain in the other state or be returned to Missouri.
- b) If a minor is not in CD custody and becomes a runaway, contact the RPC immediately. The RPC will work with the ICPC coordinator and Division of Youth Services (DYS) which administers the Interstate Compact on Juveniles (ICJ) in making the appropriate arrangements for the minor to remain in the other state or be returned to Missouri.
- c) Runaway minors will remain the responsibility of the sending state unless an alternate placement and legal custody is established in the receiving state. Compact procedures must be utilized in dealing with runaway minors.
- d) Missouri is the sending state since a Missouri court will have assumed jurisdiction in order for the child to have been placed in alternate care.

3. Kinship Placements

- a) For minors already in Missouri and placed with non-parental adult kin, the kin may initiate legal proceedings or ask CD to do so in their behalf.
- b) If the adult kin with whom the minor is placed cannot present a court order granting them custody within a 60-day period after placement, CD will assist in completing the proceedings in their behalf.

4. Cuban/Haitian Children Not Placed Through ORR

- a) If a minor arrives in Missouri but has not been placed here by ORR through established procedures and has no legally responsible kin, report immediately to the RPC by telephone and confirming IOC. Emergency services may be provided, however, permanent service commitments must be approved by the RPC.
- b) The minor would be eligible for the same services as the minor who is placed through established procedures by ORR.

TITLE: CHILD WELFARE MANUAL
SECTION 4: OUT-OF-HOME CARE
CHAPTER 19: SPECIAL POPULATIONS – NATIVE AMERICAN AND REFUGEE
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